

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEFFREY PENNINGTON, ET AL.

v.

WELLS FARGO BANK N.A.
SUCCESSOR TO WELLS FARGO HOME
MORTGAGE, ET AL.

:
: CIVIL ACTION
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: NO. 11cv2896

ORDER

AND NOW, this 19th day of October 2012, upon careful consideration of defendant's motion to dismiss, plaintiffs' opposition thereto, and after oral argument and pursuant to the court's order of October 17, 2012, **IT IS HEREBY ORDERED** that:

1. With respect to counts I through VI, inclusive, the defendant's motion to dismiss is **GRANTED** and those claims are **DISMISSED WITH PREJUDICE**; and
2. With respect to the plaintiffs' claim for quiet title, the defendant's motion to dismiss is **DENIED** pending a decision by Wells Fargo Bank, N.A. on plaintiffs' offer to execute and deliver a deed in lieu of foreclosure.

s/ William H. Yohn Jr. _____
William H. Yohn Jr., Judge